

Notice of Allowability

Application No.

09/991,041

Examiner

Victor K. Hwang

Applicant(s)

CHRISHON, MARCELLUS D.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE and amendment filed February 15, 2006.
2. ☒ The allowed claim(s) is/are 1,3-6,8,9,11-18 and 20-23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060320.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey A. Proehl on March 20, 2006.

2. The application has been amended as follows to correct for typographical errors:

In the Claims:

- A) Claim 1, line 30 (line 6 on page 3 of 13), replace "leading" with --upper--.
- B) Claim 1, line 33 (line 9 on page 3 of 13), replace "trailing" with --lower--.
- C) Claim 1, line 37 (line 13 on page 3 of 13), replace "leading" with --upper--; and replace "trailing" with --lower--.
- D) Claim 5, line 3, after "having" insert --a--.
- E) Claim 8, line 2, replace "7" with --1--.
- F) Claim 21, line 16, after "having" insert --a--.
- G) Claim 23, line 14, replace "leading" with --upper--.
- H) Claim 23, line 17, replace "trailing" with --lower--.
- I) Claim 23, line 21, replace "leading" with --upper--; and replace "trailing" with --lower--.

3. The following is an examiner's statement of reasons for allowance: the prior art of record does not disclose an exercise system comprising a plurality of body members adapted for snugly fitting around a portion of a user, the body members having a plurality of pockets coupled thereto for receiving a plurality of weight members; a first body member tapered and adapted to fit the forearm of a user and having a plurality of pockets coupled thereto at leading and trailing edges for receiving weight members; and a second body member tapered and adapted to fit the thigh of a user, the second body member having a plurality of pockets, a first of a pair of pockets coupled proximate the upper edge, a second of the first pair coupled adjacent the lower edge, and a second pair of pockets each extending from the upper edge to the lower edge, pockets of the second pair located on opposite sides of the first pair of pockets (claim 1); or an exercise system comprising a plurality of body members adapted for snugly fitting around a portion of a user; a first body member tapered for fitting the forearm of a user; and a second body member tapered for fitting a thigh of a user, and a pair of support straps coupled to the second body member toward upper and lower edges of the second body member and each strap positioned over at least two pockets to circumscribe the pockets.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence is (571) 273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
March 20, 2006



GREGORY L. HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700